

FDA to Study Consequences of Proposal

November 13, 2009

WASHINGTON- U.S. Congressman Charlie Melancon (LA-03) announced today that the Food and Drug Administration has halted movement on a proposed ban of the sale of fresh Gulf oysters during warm weather months, pending the results of a feasibility study. After Congressman Melancon and U.S. Senator Mary Landrieu organized a meeting earlier this week with Gulf Coast members of Congress and senior officials at the FDA, the agency decided to study the possible effects of the ban before moving forward. *FDA to Study Consequences of Proposal*

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"Banning fresh Gulf oysters in the name of food safety is like killing a fly with a sledgehammer," said Congressman Melancon. "Now it appears the FDA is coming to realize the harm this ban could have on Louisiana and is reaching for a fly swatter instead. I am pleased the FDA has listened to the arguments we in Louisiana have been making against this misguided policy, and will put the ban on hold while they determine the impact it could have on our state and its economy."

Last month, the FDA proposed a new ban on the sale of fresh, live Gulf Coast oysters during warm-weather months unless they are processed to kill potential bacteria. Before today's announcement, the FDA had planned to begin the ban in the spring of 2011.

Congressman Melancon has been an outspoken opponent of the proposal, arguing that it would severely impact Louisiana's oyster and restaurant industries, major sectors of the state's economy.

While the details of the feasibility study haven't been determined yet, Congressman Melancon is encouraging the FDA to look at how the new regulations could affect the viability of the Gulf Coast oyster industry, how many jobs could be lost, and how the changes would impact the market price for Gulf oysters.

The Louisiana oyster industry currently employs 3,500 Louisianians and has an estimated \$318 million impact on the state.

Last year, the United States had more than 87 million cases of food-related illnesses, 371,000 hospitalizations and 5,700 deaths. There are almost 1500 deaths per year in the United States from food-borne bacteria.

However, on average 15 individuals - all with pre-existing conditions - die from eating raw oysters each year, out of over a billion servings consumed.

Last week, Congressman Melancon introduced legislation with Florida Congressman Alan Boyd to prevent the U.S. Food and Drug Administration from using federal funds to implement the proposed ban. The Gulf Oyster Protection Act (H.R. 4022) would block any funds the FDA receives from being used to implement or enforce any new rules requiring post-harvest processing treatments for oysters in relation to *Vibrio vulnificus*. U.S. Senator Landrieu has introduced a companion bill in the Senate.

Congressman Melancon has also worked to [secure federal funding](#) for a consumer education campaign led by the oyster industry focused on reducing of illnesses associated with *Vibrio vulnificus* in shellfish. Congressman Melancon secured a total of \$348,000 in the

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Agriculture Appropriations bills to help the Gulf Coast oyster industry fund an education outreach program to at-risk consumers of raw oysters about the risk of eating raw oysters during certain times of the year and introducing them to post-harvest processed oysters that can be consumed with less risk.

Congressman Melancon continued, **"Instead of heaping unnecessary new regulations on Louisiana businesses, the FDA should support the successful education campaign already in place to reach out to at-risk consumers and prevent illnesses. I am pleased the FDA seems to be coming around to this realization. Consumer education works, and the FDA should support these efforts."**

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